

REMARKS

The Advisory Action dated February 21, 2006 has been received and its contents reviewed. The Examiner is thanked for his review and consideration of this instant application.

Claims 1-14 were pending in the instant application prior to this Amendment. By this Amendment, claim 1 has been amended and claim 5 has been cancelled. Accordingly, claims 1-4 and 6-14 are pending, of which claims 1 and 8 are independent.

Applicant's remarks in response to the rejections in the final Office Action mailed November 2, 2005 are incorporate herein by reference. Further, Applicant respectfully submits the following additional arguments in response to Examiner's remarks in the Advisory Action.

Claim 1 has been amended to include all the features of claim 5. Applicant respectfully asserts that Kanno fails to teach or suggest the feature recited in Claim 1, as amended, at least for the reason that the "first threshold value" and the "second threshold value", as recited in original claim 5 of the present invention, are not disclosed in Kanno. The feature recited in original claim 5 substantially corresponds to the feature illustrated in, e.g., Figure 5 of the present application. Specifically, the "first threshold value" corresponds to the value L_r , which represents the thickness of a line, in step S11 of Figure 5, whereas the "second threshold value" corresponds to, e.g., value D , which represents the density of a line, in step 13 of Figure 5. Therefore, the "first threshold value" and the "second threshold value" are clearly different kinds of values and are distinct from each other. In this respect, the Examiner seems to misconstrue that both of the values are related to thickness. This misinterpretation of Kanno is found in the Final Office Action (page 12, lines 12 through 16):

"The point at which the method taught by Kanno considers the line-like part to be bold is the first thickness threshold and the point at which the method taught by Kanno considers the line-like part to be a character (and not a bold character or low-contrast character) is the second thickness threshold" [emphasis added].

As set forth above, Applicant's claimed second threshold value is not equivalent to the "second thickness threshold" as asserted by the Examiner in the rejection of original claim 5. Therefore, at least by the amendment to claim 1, as shown above, claim 1 is distinguishable over Kanno and Ostromoukhov.

Moreover, the presently claimed invention of claims 1 and 8 recites selecting a cluster dot dithering technique or a dispersed dot dithering technique based on a condition. This condition is a predetermined property of a line-like part. Applicant respectfully asserts that neither Ostromoukhov nor Kanno teaches the determination of the condition that affects the selection of the cluster dot dithering or the dispersed dot dithering technique. Applicant respectfully submits that the condition by which the dither technique to be used is predetermined is also a claimed feature that must be considered by the Examiner in making a *prima facie* case of obviousness rejection.

As previously submitted, Ostromoukhov merely discusses the advantages and disadvantages of various dithering techniques separately in general but not the use of dot dithering technique or dispersed dot dithering based on a predetermined condition in a process or an apparatus.

Further, as previously submitted, Kanno does not teach, disclose or suggest “processing the line-like part of the halftone image by a first dithering technique (col. 5, lines 3-6 and lines 21-27 of Kanno) or a second dithering technique (col. 9, lines 36-43 of Kanno) according to the predetermined property of the line-like part (col. 4, lines 19-22 of Kanno)” as stated by the Examiner on page 5, section 7 of the final Office Action.

As summarized above, the Examiner cited col. 4, lines 19-22 of Kanno as disclosing Applicant’s claimed feature of determining property of the line-like part. However, there is no such disclosure. As submitted in the Amendment After Final, Applicant respectfully notes again that Kanno actually discloses the following in col. 4, lines 15-20:

“The image binarization apparatus processes the image information, supplied thereto from the image reader, in units of 4x4 picture elements. In other words, the image binarization apparatus first determines whether a picture element of interest which is included in a local region of 4x4 represents a character, a photograph, or a bold character, and then binary-encodes the image of the picture elements in different ways on the basis of the determination.”

Clearly, in Kanno, there is no suggestion, teaching or disclosure of processing the line-like part of a halftone color image as asserted by the Examiner. Further, there is no disclosure, teaching or suggestion for using a cluster dot dithering technique or a dispersed dot dithering technique of the predetermined property of the line-like part as recited in claims 1 and 8. Applicant respectfully submits that at least for the reasons set forth above, Kanno has been

mischaracterized by the Examiner, and that the combination of Kanno with the cited secondary references is improper.

In view of the arguments set forth above with respect to Kanno and Ostromoukhov, it is respectfully submitted that one of ordinary skill in the art would not be motivated in the manner suggested by the Examiner to modify the device and method of Kanno to apply dithering matrix of Kanno and the improved dispersed-dot dithering of Ostromoukhov. Even if Kanno and Ostromoukhov were combined, the references would still fail to teach, disclose or suggest each and every claimed limitations, as discussed above.

It is well settled that when combining the references in order to support a *prima facie* case of obviousness, the references must be considered in their entirety. It is further settled that the mere fact that the prior art may be modified to reflect features of the claimed invention does not make the modification and hence the claimed invention obvious unless the desirability of such modification is suggested by the prior art itself (MPEP §2141). Moreover, the claimed invention cannot be used as an instruction manual or “template” to piece together the teachings of the prior art so that the claimed invention is rendered obvious, *In Re Fritsch*, 23 USPQ2d 1780 (Fed. Cir. 1992).

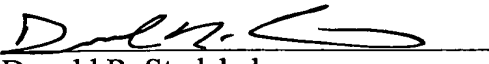
Further, in the rejection of claim 4, for example, the Examiner repeatedly applied the phrase “a threshold value of 4 dots is a mere engineering design choice” in combining Kanno, Ostromoukhov and Harrington. However, the Examiner did not cite any authority in this assertion of obviousness by engineering design choice. Accordingly, Applicant respectfully requests the Examiner to cite appropriate case law or the MPEP, if this assertion is maintained.

In the interest of keeping prosecution history compact, and as Applicant deems that the remarks above to the rejection of independent claims 1 and 8 are also applicable to the rejection of their respective dependent claims in further view of Harrington, Hines and “engineering design choice”, Applicant will not traverse each and every rejection of the dependent claims. Applicant reserves the right to do so in the future, as necessary.

Therefore, in view of the foregoing it is respectfully requested that the rejections of record be reconsidered and withdrawn by the Examiner, that claims 1-4 and 6-14 be allowed that the application be passed to issue.

Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,


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